

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0126 (Spicewood Springs Residential) DISTRICT: 10

ADDRESS: 4920 Spicewood Springs Road

ZONING FROM: LO-CO

TO: MF-3-CO

SITE AREA: 4.283 acres

PROPERTY OWNER: Whats Up Texas LP

AGENT: Drenner Group (Amanda Swor)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMEDATION:

Staff recommends MF-3-CO, Multifamily Residence-Medium Density-Conditional Overlay Combining district, zoning. The conditional overlay will limit development 32% impervious cover and will prohibit the following uses on the property: Communication services, College or university facilities, Private secondary educational facilities, Public secondary educational facilities, Urban farm Community events and Public primary educational facilities.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:
February 6, 2024

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES:

The staff received a petition request from a representative of the Spicewood Green Homeowners Association on December 19, 2023. The petition is not valid at 0.00% (*please see Petition Submittal - Exhibit E*).

CASE MANAGER COMMENTS:

The property in question is a 4+ acre undeveloped tract of land that fronts onto Spicewood Springs Road. There is an undeveloped tract to the north that is zoned MF-3. The lots to the south are zoned LO-CO and LO and are developed with office buildings. The land to the east has extreme slopes, is undeveloped and zoned SF-2. To the west, across Spicewood Springs Road, there is I-SF-3, SF-6-CO, LO and LO-CO zoning that contains undeveloped lots, condominium residences, a telecommunications tower and office uses.

In this application, the owner is requesting to rezone this tract of land from LO-CO zoning to MF-3-CO zoning to allow for residential uses on the property (*please see Applicant's Request Letter - Exhibit C*). Specifically, they are planning to construct a three-story tall, 45,000 sq ft. structure that will provide 24 to 30 multifamily units and an associated one-story tall parking garage on the site. The applicant is proposing to carry over some of the conditions from the existing zoning ordinance on the property (Ordinance No. 20150402-033):

1) Development of the Property shall not exceed an impervious coverage of thirty-two (32) percent.

2) The following uses are not permitted uses of the Property:

- Communication services
- College or university facilities
- Congregate living
- Private secondary educational facilities
- Public secondary educational facilities
- Urban farm
- Community events
- Public primary educational facilities

The staff recommends MF-3-CO zoning because the site under consideration meets the intent and purpose statement of the zoning district. MF-3-CO zoning will promote consistency and orderly planning because there is existing multifamily zoning (MF-3, MF-2) located to the north of the site under consideration. The property fronts onto and is accessible from Spicewood Springs Road, a level 3/arterial roadway. The proposed zoning will permit the applicant to develop additional residential uses adjacent to other residential and office developments along this corridor thereby expanding the number of units and housing choices in this area. This portion of Spicewood Springs Road is within the Spicewood Springs Road Regional Mobility Improvements project, a section of Spicewood Springs Road from Mesa Road to Loop 360, that will be widened to four lanes with shared use paths to increase the

mobility options for the area per a contract that was approved by the City Council on September 21, 2023.

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Multifamily Residence (Medium Density) district is intended to accommodate multifamily use with a maximum density of up to 36 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas, and in other selected areas where medium density multiple use is desirable.

Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed zoning will promote consistency and orderly planning because there is existing residential zoning to the north (MF-2, SF-2 and MF-3), to the west (SF-6-CO, SF-3, SF-6) and to the south (SF-3, SF-6 and MF-2) with access to Spicewood Springs Road. The properties in this area are currently developed with a mixture of office and residential uses.

3. *The proposed zoning should allow for a reasonable use of the property.*

The zoning district would allow for a fair and reasonable use of the property because it would permit the applicant to develop new residential uses on a site that fronts onto a Level 3/arterial roadway. This portion of Spicewood Springs Road is within the Spicewood Springs Mobility Project, which will widen the road from two lanes to four lanes between Loop 360 and Mesa Drive and add medians and sidewalk lanes for bicyclists and pedestrians. The project is funded through the 2016 mobility bond and is expected to be completed by December 2026.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-CO	Undeveloped
<i>North</i>	MF-3	Single Family Residence, Undeveloped
<i>South</i>	LO-CO, LO, SF-3	Office
<i>East</i>	SF-2	Undeveloped
<i>West</i>	I-SF-3, SF-6-CO, LO, LO-CO, SF-3	Undeveloped, Cell Tower, Office

NEIGHBORHOOD PLANNING AREA: N/A

WATERSHED: Bull Creek

SCHOOLS: Austin I.S.D.

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District,
Austin Lost and Found Pets,
Austin Neighborhoods Council,
Bull Creek Foundation,
Friends of Austin Neighborhoods,
NW Austin Neighbors,
Neighborhood Empowerment Foundation,
Northwest Austin Civic Association,
SELTexas,
Sierra Club, Austin Regional Group,
TNR BCP – Travis County Natural Resources

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0178 (Overlook at Spicewood Springs: 4920 Spicewood Springs Rd.)	SF-2 to LO	12/16/14: Approved staff's recommendation of LO-CO zoning, with the following added conditions: 1) Make Administrative and Business Offices, Medical Offices- exceeding 5000 sq. ft. gross floor area, Medical Offices- not exceeding 5000 sq. ft. of gross floor area and Professional Office conditional uses on the site, 2) limit the height to 35 feet or 2 stories and 3) and limit the development intensity to less than	2/12/15: Approved LO-CO zoning on 1 st reading with the following conditions: 1) Make Administrative and Business Offices and Professional Office conditional uses on the site., 2) Limit the development intensity to less than 500 vehicle trips per day, 3) The front façade of a building or structure on the property facing Spicewood Springs Road shall be limited to 28.5 feet above natural grade. The rear façade of a building or structure on the property shall

		500 vehicle trips per day (6-0, R. McDaniel-absent); G. Rojas-1 st , P. Seeger-2 nd .	<p>be limited to 38.5 feet above natural grade. Notwithstanding the above height limitation, the height, as defined by City Code, of a building or structure on the property is limited to 35 feet in height., 4) Total gross square footage of all buildings or structures, not including a vehicular parking facility, on the property is limited to 12,000 square feet., 5) Development on the property shall not exceed 32% impervious cover, and 6) Communications Services, Club or Lodge, College or University Facilities, Community Events, Congregate Living, Convalescent Services, Medical Offices-exceeding 5000 sq. ft. of gross floor area, Medical Offices-not exceeding 5000 sq. ft. of gross floor area, Off-site Accessory Parking, Day Care Services (Limited), Day Care Services (General), Day Care Services (Commercial), Hospital Services (Limited), Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational Facilities, Public Secondary Educational Facilities, Residential Treatment, Telecommunications Tower and Urban Farm are prohibited uses on the site (Vote: 11-0).</p> <p>4/02/15: Approved LO-CO zoning on 2nd/3rd readings (7-2, A. Kitchen, L. Pool-No, S. Adler-reused himself); S. Gallo-1st, D. Zimmerman-2nd.</p>
C14-2014-0047 (Overlook at Spicewood Springs: 4920 Spicewood Springs Road)	SF-2 to GO	5/20/14: Approved the staff's recommendation for GO-CO zoning, with the condition that other than the 15-foot front yard setback, the site shall be limited to all other LO district site development standards, and include ROW dedication	8/28/14: Motion to keep the public hearing open and to adopt GO-CO zoning, with conditions and the exclusion of the 15 foot front yard setback, on first reading only failed (2-4, S. Cole, M. Martinez, L. Morrison and C. Riley-No);

		requirement (5-1, J. Meeker-No, R. McDaniel-absent); G. Rojas-1 st , C. Banks-2 nd .	B. Spelman-1 st , L. Leffingwell-2 nd . Council Member K. Tovo was off the dais.
C14-2013-0103 (4845 Spicewood Springs Rezone: 4845 Spicewood Springs Rd)	I-SF-3, LO to LO	10/01/13: Approved staff's recommendation of LO zoning on consent (7-0); P. Seeger-1 st , S. Compton-2 nd .	10/24/13: Approved LO zoning on consent on all 3 readings (7-0); M. Morrison-1 st , B. Spelman-2 nd .
C14-2012-0153 (Spicewood Springs Office Rezoning: 4714 Spicewood Springs Road)	SF-3 to GO	1/15/13: Approved staff's recommendation of GO-CO zoning, with additional conditions to limit impervious cover on the site to a maximum of 70% and to limit building coverage on the site to a maximum of 50% (5-1, B. Baker-No, P. Seeger-absent); G. Rojas-1 st , C. Banks-2 nd .	2/14/13: Approved GO-CO zoning on consent on all 3 readings (7-0); S. Cole-1 st , B. Spelman-2 nd .
C14-2008-0128 (5005 Spicewood Springs Road)	SF-2 to LO-MU	9/16/08: Denied staff rec. of LO-MU (7-0)	9/25/08: Approved SF-6 zoning (7-0); 1 st reading only 10/16/08: Approved SF-6 zoning (7-0); 2 nd reading 2/12/09: Approved SF-6-CO zoning (6-0); 3 rd reading
C14-05-0202 (Crown Castle Spicewood Springs: 4919 Block of Spicewood Springs)	I-SF-3 to SF-6-CO	1/17/06: Approved SF-6-CO, with only permitted non-residential uses a telecommunication tower and permitted SF uses (7-0)	3/23/06: Approved SF-6-CO (7-0); all 3 readings
C14-05-0078 (Shelton Medical Office: 4615 Spicewood Springs Road)	SF-3 to LO	8/02/05: Approved LO-CO, with 50 vtpd limit (8-0)	9/01/05: Approved LO-CO zoning (7-0); all 3 readings
C14-04-0014 (Peppard: 4601 Spicewood Springs Road)	GO-CO to GO	3/02/04: Approved staff rec. of GO-CO, limiting medical office to 3,485 sq. ft., by consent (8-0)	4/01/04: Approved GO-CO on approximately 4,000 sq. ft. (7-0); 1 st reading only 4/22/04: Approved GO-CO zoning (6-0); 2 nd /3 rd readings
C14-03-0164 (4810 Spicewood B: 4810 Spicewood Springs Road)	SF-3 to LO	1/06/04: Approved staff rec. of LO by consent (9-0)	1/29/04: Approved LO (5-0); all 3 readings
C14-00-2049 (Spicewood Office: Spicewood Springs Road)	SF-3 to LO	4/18/00: Approved staff rec. of LO-CO w/conditions to include list of neighborhood prohibited uses except for Family Home, Group Home and Counseling Services (8-0)	5/18/00: Approved PC rec. of LO-CO zoning on 1 st reading (6-0, Lewis-absent) 6/22/00: Approved LO-CO zoning on 2 nd /3 rd readings (7-0)

RELATED CASES:

C14-2014-0178 - Previous Rezoning Case
SP-2014-0141C - Site Plan)
C8-2014-0066.0A - Subdivision

OTHER STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 4920 SPICEWOOD SPRINGS RD. C14-2023-0126. Project: Spicewood Springs Residential. 4.2830-acre tract from LO-CO to MF-3-CO. Amend CO to limit project to four stories tall, or 40 ft. Eliminate 12,000 sq ft limit for any new buildings. Remove several conditional and not permitted uses from existing CO. Construct a three-story tall, 45,000 sq ft., 24 to 30 multifamily units and an associated one story tall parking garage

Yes	Imagine Austin Decision Guidelines
	Complete Community Measures *
	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers *:
	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station.
	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane.
	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education *: Located within 0.50 miles from a public school or university.
Y	Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking trail. (<i>BUT NO SIDEWALK ALONG SPICEWOOD SPRINGS RD TO REACH WALKING TRAIL</i>)
	Connectivity and Health *: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
Y	Housing Choice *: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Mixed use *: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy *: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
2	Number of "Yes's"

Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, which is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Development within a Water Quality Transition Zone is limited to 18%.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Fire

No comments.

Parks and Recreation

Parkland dedication will be required for the new applicable uses proposed by this development, multifamily MF-3-CO zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2). Please note that the property being rezoned backs up to a lot containing Bull Creek and associated creek buffer;

this property may be of interested to PARD for use as public parkland. Contact reviewer to discuss.

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

The site is subject to compatibility standards. Along the East and Southeast property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 15 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- Additional design regulations will be enforced at the time a site plan is submitted.

This site is partially within the Scenic Roadways Overlay on Spicewood Springs Road.

This site is within 150 feet of a wildland area.

Transportation

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Spicewood Springs RD	Level 3	120 feet	130 feet	28 feet	None	None	No

Existing Conditional Overlay (CO) proposed to remain. However, TPW *does not* support the continuation of Part 2.A of the restrictive conditional overlay (CO).

Please note that the proposed use associated with this case only generates 268 trips.

Water Utility

No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. Current Zoning Ordinance No. 20150402-033
- E. Petition Submittal
- F. Correspondence from Interested Parties



ZONING CASE#: C14-2023-0126

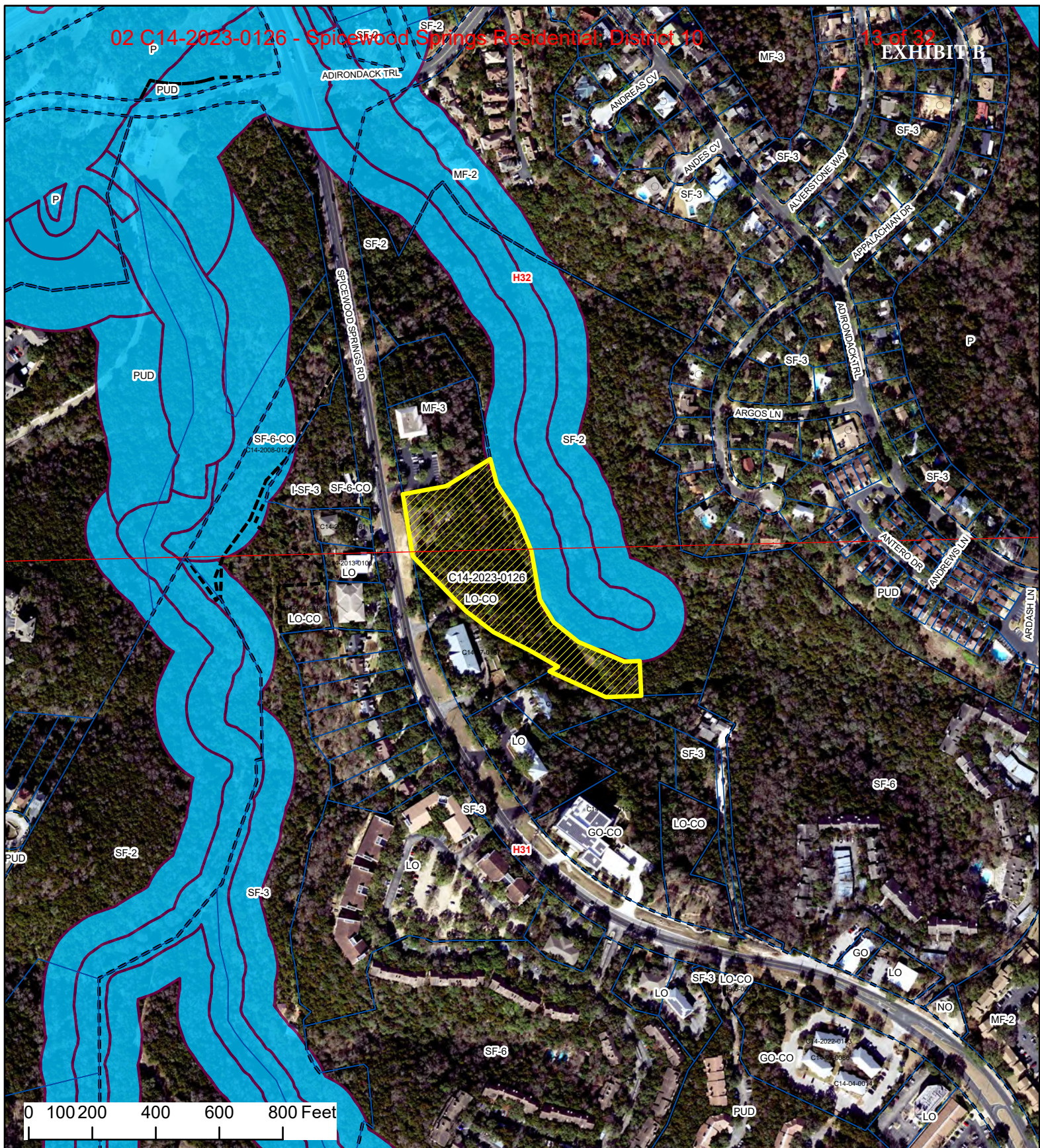


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

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Created: 10/24/2023

$$1'' = 400'$$



Spicewood Springs Residential

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2023-0126
 LOCATION: 4920 Spicewood Springs Rd
 SUBJECT AREA: 4.283 Acres
 GRID: H32
 MANAGER: Sherri Sirwaitis





Amanda Swor
direct dial: (512) 807-2904
aswor@drennergroupp.com

December 22, 2023

Ms. Lauren Middleton-Pratt, Director
Planning Department, City of Austin
Street-Jones Building
1000 East 11th Street, Suite 200
Austin, Texas 78702

Via Electronic Delivery

Re: Spicewood Springs Residential – Rezoning application for the 4.2830-acre piece of property located at 4920 Spicewood Springs Road, in Austin, Travis County, Texas (the “Property”)

Dear Ms. Middleton-Pratt:

As representatives of the owner of the Property, we respectfully submit the enclosed Rezoning Application package. The project is titled Spicewood Springs Residential, consists of 4.2830 acres, and is located at 4920 Spicewood Springs Road. The Property is currently undeveloped.

The site is currently zoned Limited Office-Conditional Overlay (LO-CO). The requested rezoning is from LO-CO to Multifamily-Medium Density-Conditional Overlay (MF-3-CO). The intent of the Rezoning Application is to allow for residential uses on the Property. This request is consistent with surrounding uses.

As part of this rezoning request, our proposal for the Conditional Overlay on the Property is as follows:

- A. Development of the Property shall not exceed an impervious coverage of thirty-two (32) percent.
- B. The following uses are not permitted uses of the Property:

Communication services	Public secondary educational facilities
College or university facilities	Urban farm
Congregate living	Community events
Private secondary educational facilities	Public primary educational facilities

- C. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the Multifamily-Medium Density (MF-3) base district, and other applicable requirements of the City Code.

The Property is not located within a Neighborhood Plan Area. However, I have been in communication with the neighborhood group in this area, the Northwest Austin Civic Association ("NWACA") and surrounding interested parties. Additionally, my client and my team have had several meetings with the homeowners association members and nearby residents, including the Spicewood Vista Homeowners Association and property owners on Alverstone Drive. My client has also been communicating with the nearby property owners along Spicewood Springs Road.

A Traffic Impact Analysis ("TIA") has been waived via a TIA Determination Form from Amber Hutchens, dated July 17, 2023 with the note that a Traffic Impact Analysis is not required and the traffic generated by the proposal does not exceed the thresholds established in the Land Development Code.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,



Amanda Swor

cc: Joi Harden, Planning Department (*via electronic delivery*)
Sherri Sirwaitis, Planning Department (*via electronic delivery*)

ORDINANCE NO. 20150402-033

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4920 SPICEWOOD SPRINGS ROAD FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from single family residence standard lot (SF-2) district to limited office-conditional overlay (LO-CO) combining district on the property described in Zoning Case No. C14-2014-0178, on file at the Planning and Development Review Department, as follows:

4.283 acre tract of land, more or less, out of the James Mitchell Survey No. 17, Abstract No. 521 the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 4920 Spicewood Springs Road in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 500 trips per day.
- B. The front façade of a building or structure on the Property facing Spicewood Springs Road shall be limited to 28.5 feet above natural grade. The rear façade of a building or structure on the Property shall be limited to 38.5 feet above natural grade. Notwithstanding the above height limitation, the height, as defined by City Code, of a building or structure on the Property may not exceed 35 feet or 2 stories.
- C. Total gross square footage of all buildings or structures, not including a vehicular parking facility, on the Property is limited to 12,000 square feet.

D. Development of the Property shall not exceed an impervious coverage of 32 percent.

E. The following uses are not permitted uses of the Property:

Communication services	Club or lodge
College or university facilities	Community events
Congregate living	Convalescent services
Medical offices-exceed 5000 sq. ft. gross floor area	Medical offices-not exceeding 5000 sq. ft gross floor area
Off-site accessory parking	Day care services (limited)
Day care services (general)	Day care services (commercial)
Hospital services (limited)	Private primary educational facilities
Private secondary educational facilities	Public primary educational facilities
Public secondary educational facilities	Residential treatment
Urban farm	Communication service facilities

F. The following uses are conditional uses of the Property:

Administrative and business offices
Professional office

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the limited office (LO) base district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on April 13, 2015.

PASSED AND APPROVED

April 2, 2015

§
§
§

Steve Adler
Mayor

APPROVED:

Anne L. Morgan
Interim City Attorney

ATTEST:

Jannette S. Goodall
City Clerk

**Landesign Services, Inc.**

1220 McNeil Road
Suite 200
Round Rock, Texas 78681
Firm Registration No. 10001800
512-238-7901 office
512-238-7902 fax

EXHIBIT " "

METES AND BOUNDS DESCRIPTION

BEING 4.283 ACRES OF LAND, SURVEYED BY LANDESIGN SERVICES, INC., OUT OF JAMES MITCHELL SURVEY NO. 17, ABSTRACT NO. 521 IN TRAVIS COUNTY, TEXAS, AND BEING PART OF THE REMAINDER OF A CALLED 25.20 ACRE TRACT CONVEYED TO JOSEPH BINFORD AND RICHARD HABERMAN RECORDED IN VOLUME 3795, PAGE 2171 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an 1/2" iron rod found in the west line of said 25.20 acre tract, the existing east right-of-way line of Spicewood Springs Road and the south line of Lot 1, Block A, Cary Addition, a subdivision of record in Volume 85, Page 104D of the Plat Records of Travis County Texas (P.R.T.C.T.), from which a 1/2" iron rod found for the southwest corner of said Lot 1 bears South 81°17'15" West a distance of 7.12 feet;

THENCE with the west line of the said 25.20 acre tract and the south line of said Lot 1, the following two (2) courses;

1. North 81°04'57" East a distance of 134.38 feet to an 1/2" iron rod found;
2. North 59°57'46" East a distance of 162.29 feet (record: North 61°23'53" East, 162.52 feet) to an 1/2" iron rod found for the southeast corner of said Lot 1;

THENCE crossing through the said 25.20 acre tract the following nine (9) courses;

1. South 17°37'59" East a distance of 70.24 feet to a 1/2" iron rebar with plastic cap marked "Landesign" set;
2. South 33°31'54" East a distance of 107.19 feet to a 1/2 iron rebar with plastic cap marked "Landesign" set;
3. South 21°30'22" East a distance of 129.37 feet to a 1/2" iron rebar with plastic cap marked "Landesign" set;
4. South 10°37'44" East a distance of 154.16 feet to a 1/2 iron rebar with plastic cap marked "Landesign" set;

5. South 30°13'51" East a distance of 82.63 feet to a 1/2" iron rebar with plastic cap marked "Landesign" set;
6. South 51°13'33" East a distance of 98.75 feet to a 1/2" iron rebar with plastic cap marked "Landesign" set;
7. South 66°05'35" East a distance of 158.48 feet to a 1/2" iron rebar with plastic cap marked "Landesign" set;
8. North 86°42'44" East a distance of 49.10 feet to a 1/2" iron rebar with plastic cap marked "Landesign" set;
9. South 02°15'24" East a distance of 104.92 feet to a 1/2" iron rebar with plastic cap marked "Landesign" set in the south line of said 25.20 acre tract and the north line of Lot A, Songbird Hollow a subdivision of record in Volume 89, Page 115B of the P.R.T.C.T., from which a 1/2" iron pipe found for the southeast corner of the said 25.20 acre tract and the northeast corner of Lot A bears North 88°09'58" East a distance of 192.56 feet;

THENCE South 88°09'58" West with the south line of said 25.20 acre tract and the north line of said Lot A, a distance of 111.78 feet to a 1/2" iron pipe found in the south line of the said 25.20 acre tract, the northwest corner of said Lot A, and in the north line of a called 0.893 acre tract described in deed recorded in Document No. 2003172569 of the O.P.R.T.C.T.;

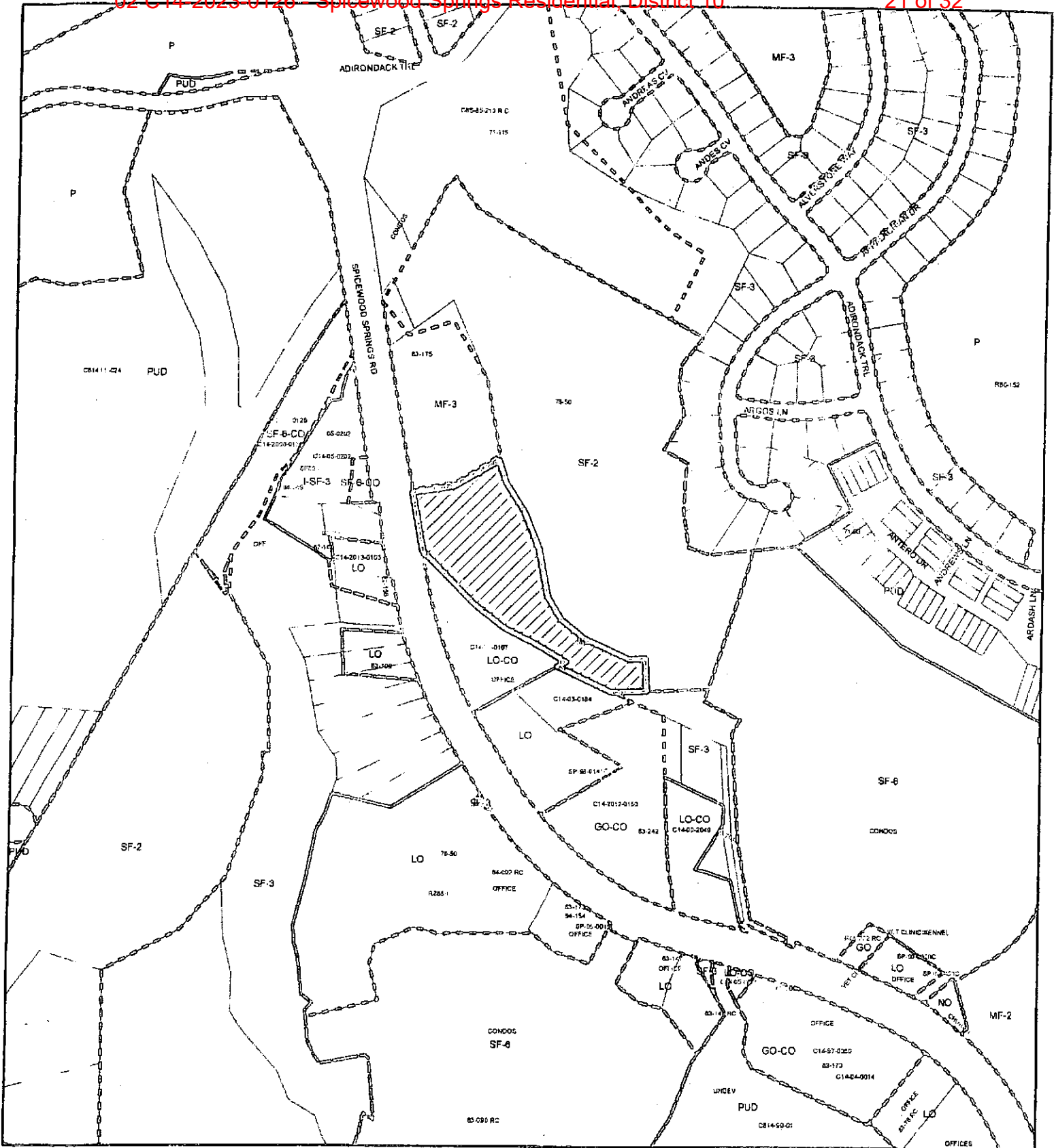
THENCE North 65°03'12" West (record: North 63°28'50" West, 190.45 feet) with the south line of said 25.20 acre tract and the north line of said 0.893 acre tract a distance of 190.39 feet to a 1/2" iron rod found with cap marked "RPLS 4094" at the northwest corner of said 0.893 acre tract and in the south line of a 1.931 acre tract described in deed recorded in Document No. 2013016049 of the O.P.R.T.C.T.;

THENCE North 61°17'32" East (record: North 62°33'23" West) crossing though said 25.20 acre tract and with the south line of said 1.931 acre tract a distance of 30.78 feet to a calculated point for the southwest corner of said 1.931 acre tract;

THENCE North 59°34'38" West (record: North 58°30'02" West, 121.43 feet) crossing through said 25.20 acre tract and with the east line of said 1.931 acre tract a distance of 121.06 feet to the remnants of a nail found with flagging in a 10" Cedar tree in the south line of said 25.20 acre tract and the north line of said 1.931 acre tract;;

THENCE with the south line of said 25.20 acre tract and the north line of said 1.931 acre tract the following three (3) courses:

1. North 63°20'46" West a distance of 103.86 feet (record: North 62°16'10" West, 104.24 feet) to a 1/2" iron rod found;
2. North 51°59'48" West a distance of 117.06 feet (record: North 50°48'09" East, 117.00 feet) to a 1/2" iron rod found;
3. North 44°38'29" West a distance of 237.38 feet (record: North 42°40'26" West, 236.26 feet) to a 1/2" iron rod found in the remainder west line of said 25.20 acre tract, in the



ZONING

ZONING CASE#: C14-2014-0178



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic ref by the City of Austin regarding specific accuracy or completeness.



Exhibit B

PETITION

Date: Tuesday, December 19th 2023

File Number: C14-2023-0126

Address of Rezoning Request: 4920 Spicewood Springs Road Austin, TX 78759

To: Austin City Council/Zoning and Planning Commission

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than Limited Office with Conditional Overlay. We oppose the requested change to the February 12, 2015 City Council's 10-0 decision that allowed the Land Development Code to switch the zoning of the property to LO providing that the site development standards were held in strict accord and that the usage and height was restricted per the recommendations of the Zoning and Planning Commission at that time and per the previously attached Conditional Overlay.

REASONS FOR PROTEST

It appears that the current proposed site plan for the buildable land would violate the previous agreement determined by the City Council on February 12, 2015. Any variance would result in an environmental impact, affect adjacent property values, exceed adjacent buildings' appearance, size and ambiance, and markedly add traffic volume.

We are therefore requesting that strict adherence to the previously agreed upon 2015 zoning change with the inclusion of the noted amendments in the Conditional Overlay be maintained. As stated in the previous arguments by adjacent and surrounding property owners, the height must be limited and that no variances to LO zoning that would impact the canyon rim rock and the environment be allowed. Total impervious cover limit also was and is requested to lessen the environmental impact. As per the recommendations of the previous Zoning and Planning Commission, we are also requesting restrictions in usage and vehicular travel volume due to its impact on neighborhood traffic and noise levels.

Per the mailed notice of filing for application of rezoning, you will be reviewing a new zoning request for 4920 Spicewood Springs Road at a date to be determined. This will be the sixth time that your Commission has reviewed a zoning request for this property since May of 2014. Some of you may recall that the original request was to go from SF zoning to GO. In August of 2014, a request for GO zoning with an LO overlay went to City Council. It was rejected. In December of

2014, the applicant came back again with a request for LO, but for the same size building as originally proposed. Council, after much negotiation between the parties, by unanimous vote, approved LO, but with a Conditional Overlay limiting several items. Most importantly to the petitioners and other nearby property owners was the size of the building, which was limited to **12,000 SF**. That October, the then applicant submitted a site plan request for a 12,000 square foot building, which was compliant with the Council approval. Now, the property has been sold, the new applicant is now requesting to be allowed to strike this limitation from the CO, in line with the original request from 2014, which was rejected twice by the City Council.

We the undersigned surrounding property owners are writing to you to clarify what we view as important reasons and facts as to why the above referenced project should be denied as proposed.

- First and foremost, years ago we went through months of discussions with the previous property owner's representative as to what is appropriate for a site with an approximate 26,300 square foot usable area. This culminated with a recommended LO zoning with a CO limiting the size of the building to 12,000 square feet with other height and environmental restrictions. Council approved this on a 10 to 0 vote with the mayor abstaining, as he had represented the property owner in the past. **NOTHING SINCE THAT TIME HAS MATERIALLY CHANGED.**
- The proposed project, although situated on 4.283 acres, has a usable site area of just over one-half acre with the majority of the site being steeply sloping non-usable land to the back and southeast end of the site. It doesn't matter if the entire 24.238 acres was included as the whole site; there is only one small level building area easily accessible from Spicewood Springs Road. The previous developer's presentation of density (FAR) information from projects whose sites are predominantly usable and comparing that information to the subject's whole site size is not an honest presentation of the facts.
- The two office buildings immediately adjacent to this property contain 13,000 square feet and 10,000 square feet (City Council placed restrictions on the maximum building size to 10,000 square feet in 1997 when it ruled on conversion from SF to LO). They both have larger level buildable areas. The 12,000 square foot size restriction included in the CO was to insure that the project on the Overlook tract would conform to the immediate area. It should be pointed out this was a compromise with former Councilperson Gallo who wholeheartedly supported the size limitation. It was the petition signers' contention that given the extremely small buildable area that a building closer to 7,000 square feet would be more appropriate for that site. Building size was always a key component of the discussions with the owner's representative. It was specifically added to the CO when we

were informed that the other elements of the CO would not in and of themselves guarantee an appropriate building size.

- It should be noted that “urban roadway/major arterial” is the same designation that Loop 360 from Spicewood Springs to Great Hills has. Clearly those two roadways are very different. Funding for Spicewood Springs Road was included in the mobility bond and work is underway-notwithstanding the foregoing, regardless of new roadway configuration, this street will continue to be immediately surrounded by a mix of numerous residential and low-density offices. There are curb cuts every approximately 50 to 200 feet putting significant traffic onto the main lanes. It will continue to function as a neighborhood roadway and not a limited access arterial. The petitioners believe adding a large multi-family building to the immediate area, in addition to not conforming to surrounding properties, is a detriment to this entire neighborhood from a traffic standpoint also.
- The surrounding area is not a medium density housing area—it is surrounded by office buildings. We have concerns about the traffic and related noises and light that this would entail, as the businesses in this area are not open outside of regular hours.

We oppose any changes to the Conditional Overlay, in height or size restrictions, or in uses for the property. If you have any questions, or if we can provide you with the additional information, please feel free to contact us.

Respectfully submitted and Endorsed by:

Abbigail Spiridonov, Financial Officer, Spicewood Green Homeowners Association

All Valid Petition Signers

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name _____

Address

DocuSigned by:

Edw H Solt

Edward Solter

4810 Spicewood Springs Rd Austin Tx 78759

Designed by:

Robert S. Radebaugh

Robert S. Radebaugh

4926 Spicewood Springs Rd 78759
Austin, Tx

Date: _____

12-19-23

Contact Name: Abbigail Spiridonov

Phone Number: 612-558-1907

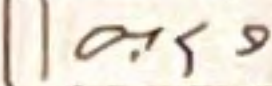
(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

DocuSigned by:

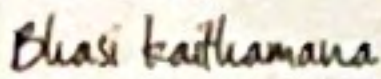


DASE1802C2CC4DB

Alex Kugler

Mr 4815 Spicewood Sprys Rd
Austin TX 78759

DocuSigned by:

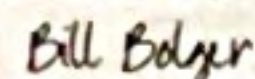


EE0F80B40B4C4D7

Bhasi Kaithamana

Mr 4817 Spicewood Sprys Rd

DocuSigned by:

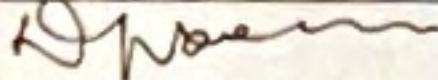


E3B0C94376047C

Bill Bolger

Mr 4813 Spicewood Sprys Rd.

DocuSigned by:

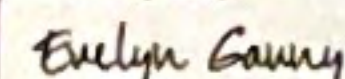


A53CC08B521D423

Deepa Narayanan

Ms 4817 Spicewood Sprys Rd

DocuSigned by:

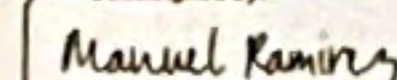


412F3A7E473M4D

Evelyn Gauny

Mrs. 4819 Spicewood Sprys Rd.

DocuSigned by:

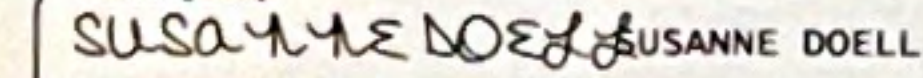


AA10B0EAD070410

Manuel Ramirez

Mr 4823 Spicewood Sprys Rd.

DocuSigned by:



38EFBE79C609458

SUSANNE DOELL

Mrs 4823 Spicewood Sprys Rd.
Austin TX 78759

Date: 12-19-23

Contact Name: Abbigail Spiridonov

Phone Number: 612-558-1907

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
 DocuSigned by: Abbigail Spiridonov 34C358A3C3A472	Abbigail Spiridonov	4825 Spicewood Springs Road Austin
 DocuSigned by: James Dolen A9C283131C9D4AC	James Dolen	owner 4827 Spicewood Sprgs Rd.
 DocuSigned by: Loren Longenecker 3F618F073A1B40C	Loren Longenecker	MD, owner 4821 Spicewood Springs
 DocuSigned by: Stanislav Spiridonov 1FF1020F4202455	Stanislav Spiridonov	MD 4825 Spicewood Sprgs Rd. Austin TX 78759

Date: 12-19-23

Contact Name: Abbigail Spiridonov

Phone Number: 612-558-1907

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

Designated by:

John R. Martin

John R. Martin

8200 Neely Drive, #156, Austin, TX 7875

Date: 12-19-23

Contact Name: Abbigail Spiridonov

Phone Number: 612-558-1907

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

Ted Stone

Ted Stone

8200 Neely Dr #227

004822C472DA41F...

DocuSigned by:

Greg Foss

Greg Foss

8200 Neely Dr.

A18838D748D14D3

Date: 12-19-23

Contact Name: Abbigail Spiridonov

Phone Number: 612-558-1907

Case Number:
C14-2023-0126

PETITION

Date: 1/30/2024

Total Square Footage of Buffer: 588102.4224

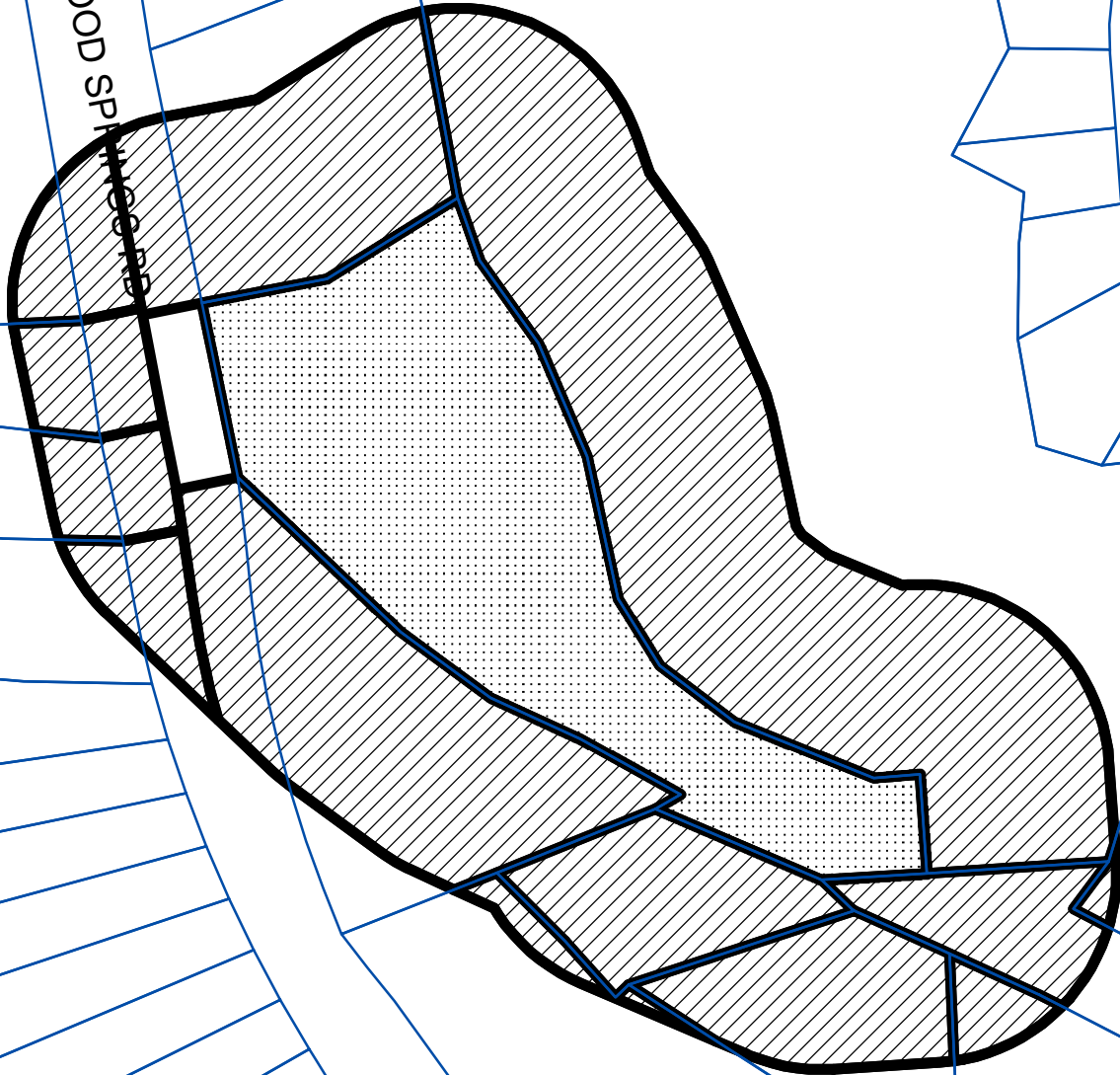
Percentage of Square Footage Owned by Petitioners Within Buffer: 0.00%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0147050205	4926 SPICEWOOD SPRINGS RD 78759	4926 SPICEWOOD JOINT VENTURE	no	71887.81	0.00%
0145050201	4800 SPICEWOOD SPRINGS RD 78759	AUSTIN/CENTRAL TEXAS REALTY	no	38288.98	0.00%
0147030374	4614 SPICEWOOD SPRINGS RD 78759	BRUECKL NORMAN EDWARD JOHN	no	7508.22	0.00%
0147050105	4937 SPICEWOOD SPRINGS RD 78759	CROWN CASTLE GT COMPANY LLC	no	17732.11	0.00%
0147050215	4813 SPICEWOOD SPRINGS RD 78759	HABERMAN RICHARD TR	no	224281.65	0.00%
0147050202	4810 B SPICEWOOD SPRINGS RD 78759	HIGH COTTON VENTURES LLC	no	38514.42	0.00%
0147030373	8200 244 NEELY DR 78759	MULTIPLE OWNERS	no	1762.32	0.00%
0147050213	4810 1 SPICEWOOD SPRINGS RD 78759	MULTIPLE OWNERS	no	6194.22	0.00%
0147050107	4845 SPICEWOOD SPRINGS RD 78759	PINIE BINA HOLDINGS LLC	no	15069.20	0.00%
0147050106	4901 SPICEWOOD SPRINGS RD 78759	ROBERSON JAMES E & MONTA JANE	no	16625.66	0.00%
0145030610	4612 SPICEWOOD SPRINGS RD AUSTIN 78759	SHAFTO MARCIA	no	25096.17	0.00%
0147050203	4900 SPICEWOOD SPRINGS RD AUSTIN 78759	SS OVERLOOK LLC	no	98457.53	0.00%
0147050301	Address Not Found		no	14375.95	0.00%
Total				575794.23	0.00%

SPICEWOOD SPRINGS RD

ARGOS LN



N



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

Case#: C14-2023-0126

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1" = 200'

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:
<https://bit.ly/ATXZoningComment>.



During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2023-0126

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: February 6, 2024, Zoning and Platting Commission

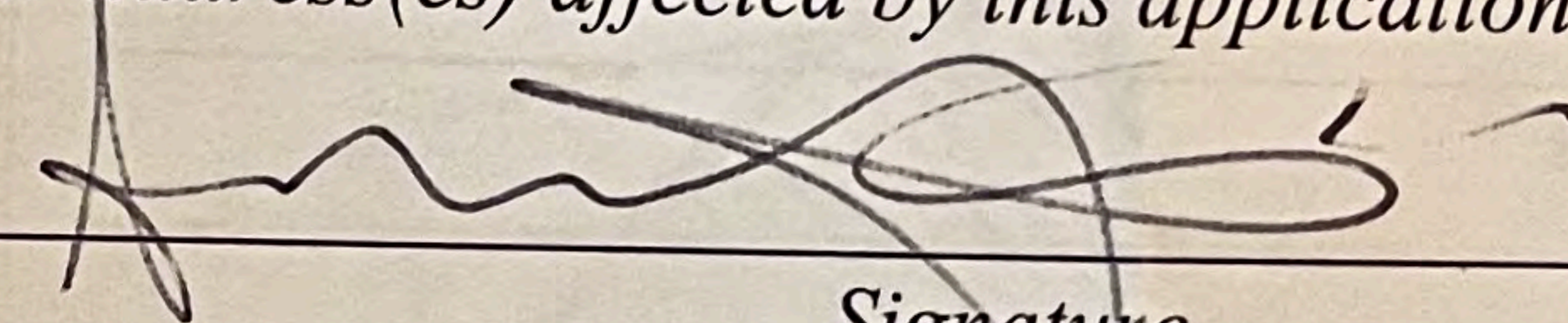
Abbigail Spiridonov

Your Name (please print)

4825 Spicewood Sprgs Rd.

☐ I am in favor
☒ I object

Your address(es) affected by this application (optional)



Signature

1-30-24

Date

Daytime Telephone (Optional):

612-558-1907

Comments: The Spicewood Green HOA has petitioned against this change.

We did not reach enough signatures, of business owners within 200 ft, but our entire HOA will be impacted & objects. On the environmental concerns of damage to rim rock, & the current conditional overlay in place for this property.

If you use this form to comment, it may be returned to:

City of Austin, Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov